

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 01-455-A
)	
ZACARIAS MOUSSAOUI)	

GOVERNMENT'S RESPONSE TO STANDBY COUNSEL'S
REPLY REGARDING RELEVANCE OF COCKPIT VOICE RECORDERS

Because standby counsel has demanded more information regarding the business card belonging to Ziad Jarrah, the United States provides the Court with the following information:

In discovery, the United States has provided the defense with a copy of a charred business card in the name of Jarrah's uncle, which was recovered at the Flight 93 crash site in Shanksville, Pennsylvania. The FBI laboratory number for this piece of evidence is: Q1092 011012010 HC. Scrawled on the back of the card is the following address for the telephone number called by defendant Moussaoui: "[Name Redacted] Billsteder Hauptst, 14 [] 22111 Hamburg [] Germany."¹ The Government can establish that this address, with a telephone number called by Moussaoui, was used by Ramzi Bin al-Shibh. Moreover, this telephone number along with the name of "Ahad Sabet" (an alias for Binalshibh) was written in the address book seized from defendant Moussaoui at the time of his arrest on August 16, 2001. Of course, the Second Superseding Indictment alleges that Bin al-Shibh, using the alias of "Ahad Sabet," wire

¹The Government's pleading stated that the telephone number was scrawled on the back of the card. Instead, the pleading should have stated that the address for the telephone number was written on the card.

transferred money to defendant Moussaoui. See Overt Act 65. Thus, the connection between defendant Moussaoui and Jarrah is far more than a “thin reed” as argued by standby counsel. The connection is Bin al-Shibh.

More importantly, standby counsel’s pleading fails to address the many other reasons set forth by the Government as to the relevance of the CVRs for Flight 93 and ExecuJet 956. While the connection between defendant and Jarrah through Bin al-Shibh is certainly highly probative, the other reasons are equally compelling regarding the relevance of the CVRs. They demonstrate that the plane was hijacked, that the hijackers were Islamic fundamentalists, and that the plane crashed before reaching its target in Washington, D.C., due to the efforts of the passengers and crew on the plane. Apparently, standby counsel concede the relevance of these facts because they did not even address these points in their reply. Moreover, standby counsel has yet to set forth any unfair prejudice that would outweigh its clear probative value. Therefore, the Government respectfully requests the Court to allow admission of the CVRs for Flight 93 and ExecuJet 956.

Respectfully submitted,

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Certificate of Service

The undersigned hereby certifies that on the 30th day of September, 2002, a copy of the Government's Response was provided to defendant Zacarias Moussaoui through the U.S.

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